

**DAVID S. BOCSY and
JAMES J. BOCSY,**

Plaintiffs,

V.

**COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF ALLEGHENY,
REDEVELOPMENT AUTHORITY OF
ALLEGHENY COUNTY; BOROUGH OF
HOMESTEAD; MON VALLEY INITIATIVE,
RICHARD A. RANII,
MICHAEL A. DELLAVECCHIA,
WILLIAM G. MERCHANT, S&A HOMES,
DWANE YOUNGBLOOD, FRED LAGITITO,
LLOYD A. WELLING, LAND AMERICA,
JEFFREY SELBY, JANET NORKUS,
CASSIE BRANDON, MIKE BLOTZAR, and
GARY BODNER,**

Defendants.

ORDER OF COURT

AND NOW, this 9th day of January, 2009, upon consideration of the MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6) and Brief in Support (Document Nos. 18 and 19) filed by Defendant S&A Homes and the Court's Text Order of November 20, 2008 which required a response to said Motion on or before December 9, 2008, and the Court's Order to Show Cause of December 17, 2008, which again instructed Plaintiffs to file a brief and response in opposition to the pending Motion to Dismiss and extended the response date to on or before January 7, 2009, and with no response having been filed by Plaintiffs and with due consideration and deliberation of the factual and legal arguments advanced in the Brief in Support of

Defendant's Motion to Dismiss, each of which the Court finds to have merit and are specifically rebutted by Plaintiffs,

NOW THEREFORE, the Motion to Dismiss filed by S&A Homes is **GRANTED** in its entirety and S&A Homes is dismissed without prejudice.

So **ORDERED** this 9th day of January, 2009.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: David S. Bocsy
3719 Botsford St.
Munhall, PA 15120
(Certified Mail, Return Receipt Requested)

James J. Bocsy
3719 Botsford St.
Munhall, PA 15120
(Certified Mail, Return Receipt Requested)

Hilary W. Taylor, Esquire
Papernick & Gefsky, LLC
Email: htaylor@papernick-gefsky.com

William G. Merchant, Esquire
Papernick & Gefsky
Email: bmerchant@papernick-gefsky.com
John C. Hansberry, Esquire
Pepper Hamilton
Email: hansberj@pepperlaw.com

Geri Romanello St. Joseph, Esquire
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts
Email: legaldepartment@pacourts.us

Eric N. Anderson, Esquire
Meyer, Darragh, Buckler, Bebenek & Eck
Email: eanderson@mdbbe.com

Bernard M. Schneider
Brucker, Schneider & Porter
Email: bmschn@aol.com